

**MI House Judiciary Committee June 5, 2012**  
**Testimony On HCR 13, by John W. Tuinstra**

Good Morning.

Thank you Mr. Chairman for holding the hearing on this resolution and for allowing me to speak. Also thank you to those on the Committee who've given Paulette Brack and myself some of your time in your offices over the past few months on this issue. I speak in support of HCR 13 and the U.S. Parental Rights Amendment. A nearly identical resolution passed the MI House 71-39 two years ago, but there wasn't adequate time for consideration in the Senate.

I serve as the President of Citizens For Parental Rights and we have heard from hundreds of parents about their conflict with government, usually Child Protective Services. Is every detail of every story true? I sure it isn't. But when hundreds of stories from people who have never met each other are so similar, I am very sure there is a lot of truth in the stories.

- The story of a couple about five miles from my home is that they lost their son for most of a year. Though they got their son back they didn't get the \$30,000 back which they spent on the court battle.
- A retired teacher, who called me from Arizona, fought for custody of her granddaughter in two different states. She has not gained custody, but her attorney bills went easily over \$50,000.
- My friend Karlene will spend the rest of her life in a wheel chair after the stroke she had from the stress and pressure of their conflict with a state-contracted agency.
- My friend Judy surrendered her parental rights in a last minute deal in the hallway, threatened with never seeing her daughter again, because of "*failure to protect*" from something she didn't know was happening. And after watching the video recording of the trial, I'm not sure it happened at all.
- A family in Bellaire, MI, lost their children for 15 months and when I read their court papers, I found no evidence or even allegation of harm having occurred to their children.
- Yesterday Professor Mark Ybarra said I could share his story. He said he has 7 years of college, two (almost three) degrees and teaches family life education for the MI Department of Corrections. Yet he lost custody of a foster son because he left the child home from school alone. He had tried to find a place for his son to stay and wasn't successful. But the child was 12, a Boy Scout, and old enough to baby-sit other children, and dad wasn't far away, and could keep tabs on the situation from work by phone.
- One of our Board members has recorded 100 television programs of parents telling their sad stories of conflict with government.
- The calls come from all around the country.

And these examples are a small sample of just one segment of the problem.

An amendment to the U.S. Constitution is needed because these cases go the Federal courts and to the U.S. Supreme Court. *Troxel v. Granville* was a U.S. Supreme Court case with lots of unpleasant details. Six different opinions resulted with even Justices Thomas and Scalia in disagreement. Justice Kennedy said that this has left the lower courts in a state of confusion. An amendment to the U.S. Constitution would instruct judges across the country on the status of parental rights.

The language of the Parental Rights Amendment does NOT include words like "Congress shall have the power to enforce this article by appropriate legislation." such as the 13th, 14th, 15th, 19th, 23rd, 24th, and 26th Amendments have. The Parental Rights Amendment contains no such grant of power to Congress. Ninety-five percent of family law exists at the state level and under this Amendment, according to one of its primary authors, Michael Farris, it would stay there.

The United Nations Treaty called the Convention on the Rights of the Child has come within a handful of having enough votes to be ratified in the U.S. Senate. The treaty would put family law enforcement in the hands of the Federal government, as directed by the UN treaty, as interpreted by the 18-member tribunal in Switzerland. That's the same tribunal that told the Vatican they should

bring their teaching in line with the treaty and give up on things they have taught to hundreds of millions of their constituents – things like traditional marriage, contraception, and abortion. Regardless of one's opinion on the particular topics, it is clear the U.N. tribunal has shown little regard for the ideological freedom of the particular nation-state.

The Mike's Hard Lemonade story, which by now all of you have heard, has two important lessons:

- One – it is clear that some government workers are overzealous in their interference into families.
- And two – it is significant that those parents were able to help facilitate some change in the state law, SB 320, last session, and that youngster, at age 8, was able to testify in committee to help in the process of tweaking the law.

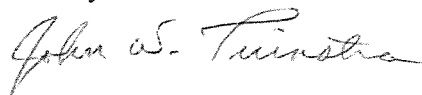
Family law should be handled at the state level for two reasons:

- One – you folks are just as intelligent as the Reps and Senators in Washington DC or folks at the UN.
- And two – you folks are closer to the people, you know the situations of real families much better than they do.

Let me conclude by telling you about the color of my hair. I know exactly when it started to turn gray. In August of 1980 we rushed our one-year old son to the hospital, and even did mouth to mouth resuscitation on the way. The doctors said he had spinal meningitis and this could turn out good, or bad, or worse. We waited, and hoped, and prayed, and wondered whether we even dared to hope. Three weeks later we had to buy a little piece of ground from the township clerk. And three weeks after that people started to mention the ring of gray around the lower edge of my hairline. No one else got gray hair from that tragedy, and I don't tell the story to show that I am in any way special. But it is a fairly good illustration that the natural God-given bond between parent and child is special.

Normally, children should be raised by their parents with as little interference as possible. And the laws that regulate the family should be made in rooms like this by people like you. And that is what the Parental Rights amendment will preserve. Please vote yes on House Concurrent Resolution 13. Folks in the Senate are waiting for it, and American families are waiting for it.

Thank you.



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